ABATEMENT PLEA IS OVERRULED BY JUDGE ABBOTT

Late County Grand Jury's Work Will Stand.

RULING IN M'CLURE CASE APPLIES TO ALL OTHERS

Judy Abbott yesterday afternoon handed down a decision in which he overrules the plea in abatement filed by counsel for Emello McClure, chargwith murder, with the statement

that the ruling would apply in all other cases in which similar pleas have Pleas in abatement attacking the validity of the indictments found by the late grand jury were filed in the cases of McClure charged with mur-der, Frank A. Hubbell charged with embezzlement and misappropriation of public funds. Eslavio Vigil, under in-dictment on similar charges, and one

or two Albuquerque saloon owners in-dicted for operating gaming tables without paying the license. The court's ruling is made on the McClure case. which was first presented, but holds for the other actions as well and as a consequence all will come to trial in due course of business in the district The validity of the late grand jury

summoned, and on the additional ground that one member of the jury lived outside of Bernaliilo county and within the lines of Torrance county. Judge Abbott's ruling on this ques-tion is of deep interest and is given in

Territory of New Mexico. In the Dis- easy.

Opinion Upon Plea in Abatement. An indictment against the defendant and safe to take, for murder was returned by the grand ury; Bernalillo county, September 20, 1905. It is claimed in support of the plea to abate the indictment thus found that the venire for the jurors was not issued to or served by the sheriff of said county, as required by

This court has already passed on the same question, in effect, in Hubbell vs. Armilo. No. 6876, and, on appeal the case has gone to the supreme court of the territory for decision there.

It is alleged however, that the grand jury which brought in the indictment was not made up as required by law. in that, as alleged, the name of George E. Brewer, who was one of the members of the grand jury, was not drawn from the box containing the names of persons listed for jury duty Rernalillo county, but that instead the name of George H. Brower was drawn, and that he was not the same person as George E. Brewer. The supreme that "the law knows only of one christion name and if so the middle letter is immaterial."

Keene vs. Meade, 3, Peters, 1. Gaines vs. Dunn 14, Peters. 327. It may well be therefore that George E. Brewer was qualified to serve al-though selected as George H. Brewer. It is also claimed that Preciliano Lucero was not a resident of Bernaillio county at the time when he was se-

lected for service or when he served as a member of the grand jury by which said indictment was found, It is not alleged that there was any George H. Brewer, who was a resident of Bernalillo county, or qualified to serve as a juror for said county at the time when said name was drawn from the box containing the names of thos listed for jury duty, or at any other time, nor is it alleged that the defendant suffered any "actual injury" from the fact that said George E. Brewer and Preciliano Lucero, either or both, were members of said grand jury. The statute law, chapter 116, of the session laws of 1995, makes residence in the territory for at least a year, and in the county for at least six months next preceding the time when one shall be selected or drawn as a juror a qualifi-cation for jury duty, and provides that those whose names are drawn as required by hiw shall be jurors. It also provides, however, that "no disqualification or exemption shall of itself vitialg any indictment found or any verdict rendered by any jury unless actual njury to the person complaining of the same shall be shown." The circumstances attending the service of the two men in question, although they are not and cannot be in evidence at the present stage of this case, may serve as illustrations of the need or such a provision of law as that above ser forth. There was at some time, it is said, a George H. Brewer, who was a resident of Albuquerque, but he ceas-ed to be a resident some months ago and before the lists for jury duty were made up. He was, besides, a minister, and so exempt from serving as a juryman, if he should so elect. The jury commissioners knew these facts and they also knew Mr. George E. Brew-er, a well known citizen of Albuquerque and supposed they were putting or the list his name. The sheriff, having the venire for service summoned George E. Brewer, supposing him to be the man intended, and he accordingly did attend and serve as a member of the grand jury, explaining to the court beforehand that his name was George E. Brewer and that there was no George H. Brewer residing in Bernaidle county to his knowledge. Preciliano Lucero, the other member of the grand jury whose right to serve is questioned, had been for years a resident of Bernaillo county and perhaps still is one. If he is not, it is because the legislative assembly at its mat session changed the boundaries of

ious to the party complaining should not invalidate an indictment or a ver-Pies in abstement overruled.
Washington Mine Case.
The hearing of evidence in the Washington mine case occupied Judge Abbott all way yesterday in chambers.

Torrance county, so as to include with-in them a part of the land and perhaps

some of the residents of Bernalillo

county. When he was examined as to

the last named county, and undoubtedly thought so. Indeed he may be still a resident of that county, for even if the act of the assembly, in changing the boundaries of Torrance county was

legal it does not appear that the new lines have been located, or that Luce-

ro's place of residence is within them. The utmost vigilance of the courts

cannot successfully guard against all possible disqualifications of this kind

To succeed these days you must have plenty of grit, courage, strength. How is it with the children? Are they thin, pale, delicate? Do not forget Ayer's Sarsaparilla. You know it makes the blood pure and rich, and builds up the general health. Sold for sixty years.

There will probably be several more witnesses and it is expected that the greater part of the week will be taken up in the hearing of the final wit-The quo warranto action of T. S. Hubbell against Sheriff Armijo has not

vet been set for hearing.

A SAN FRANCISCO PHYSICIAN * Uses Hernicide Successfully in Treating Sycosis of the Beard.

The Indictments found by the late of sycosis (similar to 'barber's itch') Bernal lo, county grand jury will stand of the lower lip, with Newbro's Herpicide. There was an extensive loss of beard with inflammation extending well down on the chin. The result of the application of Herpicide was most PEONS BEAR COFFIN FOR gratifying. The loss of beard ceased and a new growth of hair is now taking place over the once inflamed area "(Signed.)

Melville E. O'Neill, M. D., "845 Howard St. 'San Francisco, Cal.' Herpicide kills the dandruff germ nd permits the hair to grow abund-

special agents. Water Plant For Terace Addition.

The Terrace Improvement company has received a carload of well boring once on drilling a well for its water plant which is to supply the prospecand the others on the ground that one desirable city lots is progressing rapid. a coffin into which to place the resitting when another of the jury served through the ly and an immense amount of dirt has mains of the murdered man.

When You Have a Bad Cold You want a remedy that will not only give quick relief but effect a per-

Chamberlain's Cough Remedy meets alone to make the journey into the almost unsettled section of Sinalog speedy and permanent cure of bad colds stands without a peer. For sale

COMMERCIAL NEWS

Saturday bank statement below the the injured rider, falling off, grapple 25 per cent limit required by law at once with the assassin, preventing were under legal restraint to reduce him from firing a second time.

	tations:	
	Amalgamated Copper	7.9
	Sugar	137 %
	Anaconda	11639
	Atchison	827 _A
	do preferred	102
	New Jersey Central 215	SF 220
	St. Paul, preferred	173 %
d	Chesapsake & Ohio	51.94
	Big Four	9335
	Colorado & Southern	25.54
	do first preferred	41.55
	Erie	46 %
	Manhattan	163 %
	Metropolitan	11558
	Missouri Pacific	97%
	New York Central	149
	Pennsylvania	138 1
	St. Louis & San Francisco, sec-	
	and preferred	6.4
	Southern Pacific	67.3%
	Union Pacific	95%
	United States Steel	36
	do preferred	101%
	Western Union	5.3
	United States Bonds-	V 4.00
۱	Refunding 2's, registered	103
	do caupon	103
Û	Refunding 3's, registered	103%
	do coupon	103 %
Ĥ	Old 4's, registered	105
	do coupon	105
ï	New 4's, registered	108 %
U	do compon	10234

The Metals.

New York, Nov. 13.-Copper was higher abroad, closing at £74 58 fo spot and 172 5s for futures. The le are showing a disposition to advance their prices. In general, however, take is still quoted at \$16.37 \(\frac{1}{2} \) electrolytic, at \$16.25@16.62%, and casting at \$16.37%.

Lead was unchanged at £15 as it London and continued firm in the lo-cal market with actual spot supplies very scarce. Quotations range from \$5.15 to \$5.50.

Speiter was unchanged in both markets, closing at \$28 10s in London and at \$6.10@ 6.20 in New York. Sliver, 62%c. Mexican dollars, 48%c.

Chicago Board of Trade, Chicago, Nov. 13.—Stringency in the money market in New York was responsible for a moderate break today in the grain prices here. At the opening May wheat was \$8 % c to \$8 %c. The price touched \$8 %c. and dropped to \$7 %c. The close was easy at \$7 % @ %c.

corn opened at 45% @ %c, sold off to 47%c and closed at 45%c. May outs opened at 32% 6732%c. sold off to \$1% c and closed at 32c.

Chlengo Livestock. Chicago, Nov. 13.—Cattle receipts. \$1,000; market, steady to 10c lower. Beeves. \$3.40 @ 6.25; cows and helfers. \$1.15@4.50; stockers and feeders. \$2.00@4.20; Texans, \$3.40@4.30; westerns, \$3.25 @ 4.75. Sheep receipts, 3,000; market, teady. Sheep. \$4,00@4.60; lambs, \$4.40@ 7.25.

Kansas City Livestock. Kansas City. Nov. 13.—Cattle re-ceipts, 18,000 market, steady to lower. Native steers, \$2.60@5.75; southern ateers, \$2,40@4.00; southern cows. \$1.75@2.00; native cows, \$1.75@4.25; stockers and feeders, \$2.40 and 4.10; bulls \$2.00@3.00; calves \$2.25 @3.60; western steers, \$2.55@4.40; western cows, \$2.25@3.25. Sheep receipts, 6,000; market, steady. Muttons, \$4.50@6.00; inmbs. \$5.50@7.40; range wethers, \$4.00% fed wwes, \$3.00@5.25.

St. Louis Wool.

S. Louis, Nov. 12 - Wool market, steady. Territory and western mediums, 25@30c; fine medium, 25@26; The legistative assembly provided very wisely, in my opinion, that any disqualifications not shown to be injurfine, 19@21c.

THE FUEHR Undertaking Company,

WOMAN GOES ALONE INTO WILDS AFTER **BROTHER'S BODY**

He says: "I recently treated a case Miss O'Daly Penetrates the Depths of Sinaloa.

BODY OF MURDERED MAN

Miss Jemima O'Daly, of Nogales, is now in the mountains of Sinalog, Mex-Ico, there seeking the remains of her murdered brother, that she may have Sold by leading druggists. Send 10c. them brought back to the home of his in stamps for sample to The Herpicide family and even Caristian burial, says the Nogales Oasis.

Hundreds of miles from a railroad and far inland from the coas, she has made a journey by rail, by water, by stage and later by whatever conveycountry through which she journeyed that would try the endurance of

With her into the mountains of that The validity of the late grand jury tive residents of the addition. The was attacked by counsel for McClure work of changing the sand hills into

William V. O'Daly was killed almos three months ago. As heretofore told there was no witness to the tragedy and the slaver when captured rold story of a fight in which he was con pelled to kill his employer in self de You want a remedy that will relieve the lungs and keep expectoration edy and do all in her power to district Court. Bernalillo County.

You want a remedy that will countriory of New Mexico, vs. Emilio teract any tendency toward pneumo-strong terms men who had been un-You want a remedy that is pleasant necessarily harsh with such people.

where the killing occurred. From the Indian trailers who tracked and captured the murderer Miss () Daly learned in detail the story of

They told her that her brother. while riding along, was shot from be hind; that the servant siepoed up close behind him and shot him in the back New York, Nov. 13.—The banks of on used, had been held close to the which the deficiency of reserves victim. The suden shock caused the brought the averages reported in the wounded man to pull his mule up so their outstanding loans: Closing quo- ror stricken, the man beat his victin on the head with the revolver, then broke away and fled. The wounded man was able to draw his gun and shot at the fleeing murderer, but in his weakened condition couls shoot with his wonted precision.

> The Exact Thing Required for Constipation.
>
> "As a certain purgative and stomach purifier Chamberlain's Stomach and Liver Tablets seem to be the exact thing required, strong enough to the most robust vet mild enough and safe for children and without that ter rible griping so common to most purgatives," say R. S. Webster & Co., Udora, Ontario, Canada. For sale by

> all druggists. APOHLE--For putting up stoves, house and carpet cleaning. Address. 120 South High. n21

High grades of whiskles, wines, etc., Val Blatz best Milwaukee beer, All goods delivered free, Ernest Meyers &



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etc., shown in our catalogues.

Low Prices will surprise you GALL AND BEH UB A. D. JOHNSON, Agt



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Our November Opportunity

Sale.....

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Values of Great Magnitude and Importance on Every Hand

> IF UNUSUAL VALUES, WITH UNQUESTION-ABLE STYLES. APPEAL TO YOU, THIS IS CERTAINLY THE TIME TO BUY, THE PRICES INSURE YOU A GREAT SAVING AND THE QUALITIES, ALL DEPENDABLE, GUAR-ANTEE THAT YOU WILL BE SATISFIED WITH YOUR PURCHASES.

Commencing Tuesday, November 14th--- A FIVE-DAY SALE---Closing Saturday, November 18

A WORD REGARDING SPECIALS—

We have arranged throughout the store Specials of extra merit, which we know will be appreciated by the women of Albuquerque. However, none of these will be advertised, and for that reason its to your advantage to attend this Special Bargain Event, which means much to all Albuquerque women.

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General Agent,

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CLASSIFIED ADVERTISEMENTS ALL CLASSIFIED ADVERTISEMENTS PAYABLE IN ADVANCE

WANTED-Dressmaker by the day; must have references. Apply Mrs. J. B. Culter. Santa Fe hospital.

WANTED-Gentieman or lady with good reference, to travel by rail or with a rig. Salary \$1,072 per year and expenses; salary paid weekly and expenses advanced. Address, with stamp, J. A. Alexander, Albuquerque,

WANTED .- Two strippers, boys o girls; also woman to keep house. Call 117 S. Second street. M. Gussaroff. tf WANTED.—An experienced cham-bermaid. Apply at Metropolitan ho-

WANTED-Girl for general housework. No health seekers need ap-ply. Apply mornings. 412 East Rail-

WANTED-Position of an energetic capable business man, married, 35 years of age; 7 years' experience as salesman. Address H. Willard, 1104 North Second st. 114

WANTED-Position by a book-eeper; can handle any set of books, wholesale or retail, Also accurate stenographer, Address I., care T. A. Whitten. n14 WANTED-A chambermaid at the

St. Claire hotel, 113 West Railroad av. WANTED-Roomers and boarders, no invalids. 410 South Edith st. n16 WANTED - Magnetic-Healing, Hypnotism taught, \$2; also Elocution Dramatics, Vocal Music, Astrology, Palmistry. 319 W. Gold ave. n16 WANTED-An experienced teacher a school or family. Music and history specialty. Address Miss Eichelberg Shoemaker, N. M. WANTED,—Highest price paid for our or five gallon cow. Address B,

WANTED-Competent girl for generai housework; apply Mrs. W. H. Hahn, 914 West Railroad ave. tf

WANTED Boy to work for board DR. L. E. ERVINnd go to school or man willing to do light work for room and board. Address M., Journal office, n14 n14 WANTED-Good strong boy to deiver packages and make himself generally useful about store, Must thow the city and have bleycle. B.

\$4 per day of ten hours. Apply Arizona Copper Co., Clifton, Ariz. FOR SALE. HOR SALE CHEAP.—A good sad-dle pony. Inquire after 6 o'clock p. m., 92-2, Colorado 'phone. If Teacher of Plano.

urnishings. See warel oom 3. Grant building. 1114 FOR SALE—Horse, buggy and har- Leave orders at Learnard & Linde-less only \$60; any lady or child can man's. drive him any place. Blue Goose sa loon, 212 North Third st. ni-

FOR SALE-Second hand safe, good as new, Springer Transfer Co.

FOR SALE—Handsome riding and driving pony, anddle and bridle. Call Journal office in the afternoon. If MRS. M. HELENA LEONARD, Graduate of Parisian Institute. Late of New York City.

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r 321 West Gold. n19 Face Hair and Scalp, FOR RENT Two furnished rooms Steaming and Bleaching. FOR RENT-Rooms for light house.

eping. 524 South Second st. d10 FOR RENT-Furnished rooms with ath, 516 North Second street. n10 FOR RENT-Furnished rooms for ight housekeeping. 113 West Lead FOR RENT-Furnished front room, and if desired. 208 North Arno. FOR RENT-Furnished rooms, 624

FOR RENT.-Rooms furnished for ght housekeeping. Ideal place for ealth seekers. 1303 University Hill. FOR RENT-Furnished rooms and ard in private family, 415 North econd street.

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SALE-Complete household Commercial Club Bldg. Albuquerque warehouse man, OLGA SELKE-Teacher of Violin and Mandolin.

FOR SALE—Drug store; the only be in a county of 5,000. Sells for inreasonable. Dr. Thompson, Santa nie Glows, Fomentations, Hot and Cold to the Spine, and Cold Mitten Friction, given at Room 40, Barnett building, by Miss Ruth E. Millette, graduate nurse from Battle Creek Sanitarium.

re ladies; no objection to invalids; and Shampooing. Electrolytic Auto-se of kitchen if desired. 100 North matic Water Massage. tf 613 West Gold av. Auto 'Phone, 279,



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FOR SALE. \$2,650-8-room, two-story, dwelling, bath and electric lights, on corner. New, a bargain. \$1,850-5-room brick cottage, on Highlands, close in.

\$1,600-New 5-room frame cottage, well built, near shops; easy payments. \$3,300-9-room, 2-story brick, suitable for rooming or boarding house,

on Highlands. \$2,900-New 7-room, brick dwelling. well built, bath, electric lights, barn, in Highlands.

\$2,600-6-room frame, bath, electric lights, trees, shrubbery, lot 75x142, Fourth ward.

Fourth ward.

\$3,500—7-room frame cottage, elegant residence, W. Tijeras ave.

\$1,300—5-room frame, near shops.

\$1,200—4-room frame cottage; new:
North Eighth st.: easy terms.

\$1,400—5-room frame cottage; bath:
large shade trees; Fourth ward.

\$1,250—4-room frame cottage; bath:
electric lights: close in.

\$3,000—7-room, two story, modern
brick dwelling; bath: gas: electric
lights: barn.

\$3,200—5-room brick cottage; modern
well built: large cellar; good barn;
trees and lawn; fine location. West
Tijeras road.

\$2,700—6-room frame dwelling with
modern conveniences; well built. 8.
Arno st.

\$2,200—5-room frame cottage.

modern conveniences; well built. S. Arno st.

\$2.300—5-room frame cottage, modern conveniences, trees and shrubbery, corner lot, 50x142.

\$2.300—5-room brick cottage: large bath room, South Arno st.

\$3.100—Nice residence in Highlands, 7 rooms; modern conveniences; cellar, barn, lawn; lot 71x159.

\$1.000—6-room frame cottage; trees and shrubbery; near shops.

\$9.00—4-room new adobe; with stone foundation and shingle roof; trees, near shops.

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